

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

M.H., by and through his Guardian ad  
Litem, TIFFANY ARTERBERRY, et al.,

Plaintiffs,

v.

KERN HIGH SCHOOL DISTRICT, et  
al.,

Defendants.

Case No. 1:23-cv-00531-ADA-CDB

**ORDER DIRECTING PLAINTIFF TO  
FILE MOTION TO APPOINT GUARDIAN  
AD LITEM**

**RESPOND BY SEPTEMBER 1, 2023**

Plaintiffs initiated this action with the filing of a complaint on April 4, 2023. (Doc. 1). The complaint avers that Plaintiff M.H. is a minor who is proceeding through his “guardian ad litem,” Tiffany Arterberry. (*Id.* ¶ 5).

Pursuant to Eastern District of California Local Rule 202, upon commencement of an action on behalf of a minor, the attorney representing the minor shall present (1) appropriate evidence of the appointment of a representative for the minor or incompetent person under state law or (2) a motion for the appointment of a guardian ad litem by the Court, or, (3) a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or incompetent person. L.R. 202 (citing Fed R. Civ. P. 17(c)). Before proceeding with this action, “[t]he court is under a ‘legal obligation’ to consider whether an incompetent person is adequately protected.” *Jurgens v. Dubendorf*, No. 2:14-cv-2780-KJM-DAD, 2015 WL

6163464, \*3 (E.D. Cal. Oct. 19, 2015) (citing *United States v. 30.64 Acres of Land*, 795 F.2d 796, 805 (9th Cir. 1986)); *Davis v. Walker*, 745 F.3d 1303, 1310 n.6 (9th Cir. 2014).

As of the date of this Order, M.H.'s attorneys have not moved to appoint Tiffany Arterberry as the guardian ad litem for M.H., nor have they submitted any other evidence or showing required under Local Rule 202.

Accordingly, it is HEREBY ORDERED, Plaintiffs shall file an application seeking appointment of a guardian ad litem within ten days of entry of this order. The application SHALL comply with Local Rule 202 and Fed. R. Civ. P. 17 and be properly supported with relevant documents and sworn declarations by, for instance, counsel of record regarding the "Disclosure of Attorney's Interest" information required under the Local Rules (*see* Local Rule 202(c)) and the proposed guardian ad litem attesting that, among other things, the guardian ad litem has no conflicts of interest with and will represent the best interests of Plaintiff if appointed. In the event Defendants have no objection to the proposed guardian ad litem, Plaintiff should so indicate in any application such that this Court may dispense with the 14-day time for filing an opposition. *See* Local Rule 230.

Failure to timely comply with this order may result in sanctions under Local Rule 110.

IT IS SO ORDERED.

Dated: August 22, 2023

  
UNITED STATES MAGISTRATE JUDGE